



#19C
dQu
6/20/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tomoki TODO et al.

Title: USE OF SOLUBLE COSTIMULATORY FACTOR FOR TUMOR
IMMUNO-GENE THERAPY

Appl. No.: 09/679,147

Filing Date: 10/05/2000

Examiner: Anne Marie Sabrina Wehbe

Art Unit: 1632

RECEIVED
JUN 19 2003
TECH CENTER 1600/2900

PRELIMINARY AMENDMENT

Commissioner for Patents
Mail Stop RCE
Washington, D.C. 20231

Sir:

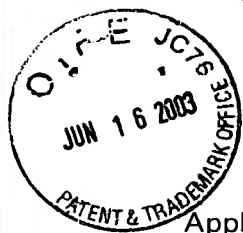
Applicants file this Preliminary Amendment concurrently with the attached transmittal for a Request for Continued Examination under 37 C.F.R. §1.114. Prior to examination, please amend the application as follows:

The amendments presented below comply with the revised amendment format permitted by the Notice from the Office of Patent Legal Administration of the U.S. Patent and Trademark Office dated February 10, 2003. Thus, the provisions of 37 C.F.R. § 1.121(a), (b), (c) and (d) are waived for amendments made to the claims, specification and drawings of this application.

Amendments to the Claims are reflected in the listing of claims beginning on page 4 of this document.

Remarks/Arguments begin on page 6 of this document.

Please amend the application as follows.



Atty. Dkt. No. 066683-0190

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tomoki TODO et al.
Title: USE OF SOLUBLE COSTIMULATORY FACTOR
FOR TUMOR IMMUNO-GENE THERAPY
Appl. No.: 09/679,147
Appl. Filing Date: 10/05/2000
Examiner: Anne Marie Sabrina Wehbe
Art Unit: 1632

RCE/1632
#16
#16
6/26/03
RECEIVED
JUN 19 2003
TECH CENTER 1600/2900

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

- ☐ Please enter and consider the amendment/reply previously filed on ____.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on ____ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on ____.
- ☐ Other ____.

b. Enclosed are:

- ☒ Preliminary Amendment (6 pgs.).

- ☐ Affidavit(s)/Declaration(s).
- ☐ Information Disclosure Statement.
- ☐ Form PTO-1449 with copies of ___ listed reference(s).
- ☐ Other .

Miscellaneous:

- ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ___ months.

The filing fee is calculated below:

	Claims as Amended		Previously Paid For		Extra Claims Present		Rate		Fee Totals
RCE Fee 1.17(e)							\$750.00		\$750.00
Total Claims:	35	—	54	=	0	x	\$18.00	=	\$0.00
Independents:	4	—	4	=	0	x	\$84.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$280.00	=	\$0.00
CLAIMS FEE TOTAL:									\$750.00

☒ Applicants hereby petition for an extension of time under 37 C.F.R. § 1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$410.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$930.00	\$0.00
<input checked="" type="checkbox"/>	Extension for response filed within the fourth month:	\$1,450.00	\$1,450.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$1,970.00	\$0.00
EXTENSION FEE TOTAL:			\$1,450.00
CLAIMS AND EXTENSION FEE TOTAL:			\$2,200.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$1,100.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)		\$0.00
TOTAL FEE:			\$1,100.00

☒ A check in the amount of \$1,100.00 to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date June 16, 2003

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

By

Matthew Mulkeen
for Stephen A. Bent *Matthew Mulkeen*
Attorney for Applicants *Agent*
Registration No. 29,768 *44,250*